

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Desert Seed Co., Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED NOVEL VARIETY OF SEXUALLY REPRODUCED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF *eighteen* YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT (U.S.C. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

ONION

'Texspan PRR'



In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington this 11th day of June in the year of our Lord one thousand nine hundred and eighty-one.

Attest:

Ernest L. Lee
Commissioner
Plant Variety Protection Office
Grain Division
Agricultural Marketing Service

John R. Block
Secretary of Agriculture

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
GRAIN DIVISION
PLANT VARIETY PROTECTION OFFICE
NATIONAL AGRICULTURAL LIBRARY
BELTSVILLE, MARYLAND 20705

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

1a. TEMPORARY DESIGNATION OF VARIETY VARIETY: <u>TEXSPAN</u>		1b. VARIETY NAME VARIETY NAME: <u>TEXSPAN P.R. RSC</u>		FOR OFFICIAL USE ONLY P.V. NUMBER: <u>8000159</u>	
2. KIND NAME <u>ONION</u>		3. GENUS AND SPECIES NAME <u>ALLIUM CEPA</u>		FILING DATE <u>9/22/80</u>	TIME <u>1:00</u> P.M.
4. FAMILY NAME (BOTANICAL) <u>LILIACEAE</u>		5. DATE OF DETERMINATION <u>August, 1980</u>		FEE RECEIVED TO <u>\$ 500.00</u>	DATE <u>9/22/80</u>
6. NAME OF APPLICANT(S) <u>DESSERT SEED COMPANY, INC.</u>		7. ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code) <u>P.O. BOX 181 EL Centro, CA 92243</u>		8. TELEPHONE AREA CODE AND NUMBER <u>(714) 352-2081</u>	
9. IF THE NAMED APPLICANT IS NOT A PERSON, FORM OF ORGANIZATION: (Corporation, partnership, association, etc.) <u>DESSERT SEED COMPANY, INC.</u>		10. IF INCORPORATED, GIVE STATE AND DATE OF INCORPORATION <u>CA 1955</u>		11. DATE OF INCORPORATION <u>1955</u>	
12. Name and mailing address of applicant representative(s), if any, to serve in this application and receive all papers: <u>A. M. Dessert</u> <u>c/o DESSERT SEED COMPANY, INC.</u> <u>TSP</u>					
13. CHECK BOX BELOW FOR EACH ATTACHMENT SUBMITTED: <input checked="" type="checkbox"/> 13A. Exhibit A, Origin and Breeding History of the Variety (See Section 52 of the Plant Variety Protection Act.) <input checked="" type="checkbox"/> 13B. Exhibit B, Novelty Statement <input checked="" type="checkbox"/> 13C. Exhibit C, Objective Description of the Variety (Request form from Plant Variety Protection Office.) <input checked="" type="checkbox"/> 13D. Exhibit D, Additional Description of the Variety.					
14A. Does the applicant(s) specify that seed of this variety be sold by variety name only as a class of certified seed? (See Section 83(a). If "Yes," answer 14B and 14C below.) <u>NO</u>					
14B. Does the applicant(s) specify that this variety be limited as to number of generations? <u>NO</u>		14C. If "Yes," to 14B, how many generations of production beyond breeder seed? <u>NO</u>			
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		<input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED			
15. Does the applicant(s) agree to the publication of his/her (their) name(s) and address in the Official Journal? <u>YES</u>					
16. The applicant(s) declare(s) that a viable sample of basic seed of this variety will be deposited upon request before issuance of a certificate and will be replenished periodically in accordance with such regulations as may be applicable. The undersigned applicant(s) is (are) the owner(s) of this sexually reproduced novel plant variety, and believe(s) that the variety is distinct, uniform, and stable as required in Section 41, and is entitled to protection under the provisions of Section 42 of the Plant Variety Act.					

Applicant(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.

9-2-80
(DATE)Ann Dessert
(SIGNATURE OF APPLICANT)

(DATE)

(SIGNATURE OF APPLICANT)

INSTRUCTIONS

Section 43 of the Plant Variety Act

GENERAL: Send an original copy of the application, exhibits and \$250.00 fee to U.S. Dept. of Agriculture, Agricultural Marketing Service, Grain Division, National Agricultural Library, Beltsville, Maryland 20705. (See Section 180.175 of the Regulations and Rules of Practice.) Retain one copy for your files. All items on the face of the form are self-explanatory unless noted below.

12. Does the applicant (a) state to the satisfaction of his/her (their) name(s) and address in the Official Journal?

14b. Does the applicant (a) state to the satisfaction of his/her (their) name(s) and address in the Official Journal? (See Section 180.175 of the Regulations and Rules of Practice.)

14a. Does the applicant (a) state to the satisfaction of his/her (their) name(s) and address in the Official Journal? (See Section 180.175 of the Regulations and Rules of Practice.)

13a. Give (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method; (2) the details of subsequent stages of selection and multiplication; (3) the type and frequency of variants during reproduction and multiplication; and state how these variants may be identified and (4), evidence of stability.

13b. Give a summary statement of the variety's novelty. Clearly state how this novel variety may be distinguished from all other varieties in the same crop. If the new variety most closely resembles one or a group of related varieties; (1) identify these varieties and state all differences objectively; (2) Attach statistical data for characters expressed numerically and demonstrate that these differences are significant; and (3) submit, if helpful, seed and plant specimens or photographs of seed and plant comparisons clearly indicating novelty.

13c. Fill in the Exhibit C, Objective Description form for all characteristics, for which you have adequate data.

13d. Describe any additional characteristics that are not described, or whose description cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the description of characteristics that are difficult to describe; such as; plant habit, plant color, disease resistance, etc.

14a. If "YES" is specified (seed of this variety be sold by variety name only) as a class of certified seed the applicant may NOT reverse his affirmative decision after the variety has either been sold and so labeled or published or the certificate has been issued. However, if the applicant specifies "NO", he may change his choice. (See Section 180.15 of the Regulations and Rules of Practice.)

EXHIBIT A
ORIGIN AND BREEDING HISTORY OF THE VARIETY
TEXSPAN PRR

The Yellow Spanish Onion was brought to the United States from Spain many years ago. In early 1949 the Dessert Seed Company started making selection from the Early Yellow Spanish and named it Imperial 49. Later it was introduced to Israel and with further selection the name Ben Shemen was given to it. Nearly ten years ago this variety was brought back to the States. In 1973 the Dessert Seed Company received some bulbs from Texas and started the breeding program on pink root resistance and called it TEXSPAN PRR.

Yellow Ben Shemen can be considered as an intermediate type onion. It matures almost the same time as the New Mexico Yellow Grano PRR; which is about one month or so earlier than the long day types like Early Grano 502 and a month or so earlier than the long day types like Sweet Spanish. It is a beautiful onion with good storage quality. The chief drawback is its susceptibility to Pink Root Disease (*Pyrenochaeta terrestris*).

To incorporate resistance it was necessary to cross in some variety that already had resistance, but there were no resistant varieties that matured at the same time so we had to use an onion of a different maturity date. We decided to use Yellow Acacia PRR, which is quite similar to Yellow Ben Shemen except for time of maturity.

- 1974 The first crosses were made in 1974 between Yellow Ben Shemen and Yellow Acacia prr. The F1 seed was planted early in the fall in the breeding block.
- 1975 The F1 plants were emasculated and backcrossed to the recurrent parent Yellow Ben Shemen in the breeding block.

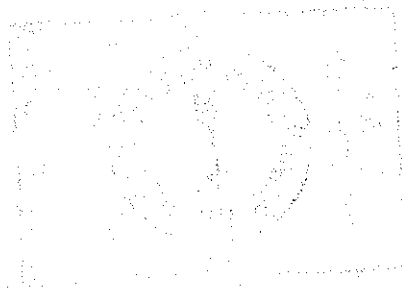
- 1976 Bulbs of the backcross (Yellow Ben Shemen X Yellow Acacia PRR) Yellow Ben Shemen were grown in 1976, harvested and stored. Before planting those bulbs were selected that most resembled the recurrent parent. Bulbs were planted in the breeding block.
- 1977 Individual backcross plants were selfed using metal screen cages and flies to do the pollinating. The selfed backcross seed was planted in pink root infested soil in October.
- 1978 The pink root readings were made at the time the bulbs were harvested after the tops had just fallen and while still green. About one half of the selfed backcrosses were susceptible and discarded. The remaining lines had one fourth of the plants resistant and three fourths susceptible. Only those bulbs were saved that were resistant and were of good type. The best bulbs were planted that fall in Cage #75 (12 x 24 ft.) for increase.
- 1979 When onion plants started to flower, the cage was covered with plastic screen and a hive of bees introduced to do the pollinating. Two pounds of seed was obtained from Cage #75. Seed from the cage was planted for increase the fall of 1979.
- 1980 Seed from 1979 harvest was grown out in the pink root block and all plants were resistant to pink root.

"EXHIBIT B"

ONION, TEXSPAN PRR

THIS ONION IS DIFFERENT THAN ANY OTHER ONION. IT IS MOST SIMILIAR TO THE BEN SHAMEN ONION EXCEPT THAT IT IS PINK ROOT RESISTANT AND IT IS SINGLE-CENTERED. IT IS ALSO RESISTANT TO THE COMMON STRAIN OF YELLOW DWARF.

*Revised novelty statement:
replaces original marked
"Exhibit D".*



OBJECTIVE DESCRIPTION OF VARIETY

ONIONS (ALLIUM CEPA L.)

REFERENCES: See Reverse.

NAME OF APPLICANT(S)

DESSERT SEED COMPANY, INC.

ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code)

P.O. Box 181
El Centro, CA 92243

FOR OFFICIAL USE ONLY

PVPO NUMBER

8000159

VARIETY NAME OR TEMPORARY
DESIGNATIONPlace the appropriate number that describes the varietal character of this variety in the boxes below.
Place a zero in first box (e.g. or) when number is either 99 or less or 9 or less.

1. TYPE:

 1 = BULB 2 = BUNCHING 1 = SHORT DAY 2 = LONG DAY TO DEGREES MEAN LATITUDE - ADAPTATION RANGE Maturity (days): 1 = EARLY (75 - 90) 2 = MEDIUM (100 - 120) 3 = LATE (> 130)

2. PLANT

 CM. HEIGHT ABOVE SOIL LINE TO HIGHEST POINT OF ANY FOLIAGE CM. TALLER THAN Excel Yellow ^{Bermuda} (Comparable variety) CM. SHORTER THAN Grano 502 (Comparable variety) 1 = ERECT (Spartan Gem) 2 = INTERMEDIATE 3 = FLOPPY (Epoch)

3. LEAF:

 CM. LONG (before maturity yellowing begins) MM. WIDE MM. THICK AT MIDLENGTH OF LONGEST LEAF Color: 1 = LIGHT GREEN (Early Grano) 2 = MEDIUM GREEN (Yellow Bermuda)
3 = BLUE GREEN (Australian Brown U.C. No. 1) Bloom: 1 = NONE - glossy 2 = LIGHT (Early Grano) 3 = MEDIUM (Crystal Wax) 4 = HEAVY (California Early Red)

4. SHEATH:

 MM. COLUMN LENGTH (Height from soil line to base of lowest succulent leaf) MM. DIAMETER AT MIDLENGTH Scape: CM. FROM SOIL LINE TO BASE OF INFLORESCENCE Scape: MM. DIAMETER AT MIDLENGTH

5. INFLORESCENCE:

Umbel (for seed production)

 MAXIMUM NO. PER PLANT MINIMUM NO. PER PLANT AVERAGE NO. PER PLANT MM. DIAMETER 1. COMPACT 2 = LOOSE/OPEN 3 = SHAGGY Spathe: 1 = LONG BEAK 2 = SHORT BEAK Flower Color: 1 = WHITE 2 = GREEN 3 = BRIGHT GREEN MM. ANTHER LENGTH Anther Color: 1 = LIGHT GREEN 2 = DARK GREEN 3 = YELLOW 4 = PALE YELLOW 5 = CHOCOLATE 6 = RED Pollen Viability: 1 = STERILE 2 = FERTILE Sepal Shape: 1 = LONG POINTED 2 = ROUND SHORT

6. BULB:

AVERAGE NUMBER BULBS PER METER

Size (Harvest): 1 = SMALL (Red Creole) 2 = MEDIUM (Australian Brown U.C. No. 1) 3 = LARGE (Early Grano)

Shape (see attached chart): 1 = GLOBE (White Sweet Spanish) 2 = DEEP GLOBE (Abundance)
3 = FLT. GLOBE (Australian Brn. U.C. No. 1) 4 = TOP SHAPE (Texas Grano 502)
5 = DEEP FLAT (Granex) 6 = THICK FLAT (Ebenezer)
7 = FLAT (Crystal Wax) 8 = TORPEDO-LONG OVAL (Italian Red)

CM. HEIGHT ÷ CM. DIAMETER = SHAPE INDEX

1 = INVAGINATE 2 = EVAGINATE

Color (Skin): *per letter of 1/29/81*
"yellow" per letter from A.M. Lester rec'd 11/12/80
01 = BROWN (Australian Brn. U.C. No. 1) 02 = PURPLISH RED (Italian Red)
03 = BUFF RED (Red Creole) 04 = PINKISH YELLOW (Ebenezer)
05 = BROWNISH YELLOW (Mt. Danvers) 06 = DEEP YELLOW (Brigham Yellow Globe)
07 = MEDIUM YELLOW (Early Yellow Globe) 08 = PALE YELLOW (Yellow Bermuda)
09 = WHITE (White Sweet Spanish) 10 = OTHER (Specify) _____

Color (Interior): 1 = PINK 2 = RED 3 = PURPLISH-RED 4 = WHITE
5 = CREAM 6 = LIGHT GREEN-YELLOW 7 = DARK GREEN-YELLOW

Scales: 1 = FEW (Crystal Wax) 2 = MEDIUM (Australian Brown U.C. No. 1) 3 = MANY (Sweet Spanish)

Scales: 1 = THICK (Australian Brown U.C. No. 1) 2 = MEDIUM (Red Creole) 3 = THIN (Crystal Wax)

Scale Retention: 1 = VERY GOOD (Australian Brn. U.S. No. 1) 2 = GOOD (Ebenezer)
3 = FAIR (Red Wethersfield) 4 = POOR (Crystal Wax)

Pungence: 1 = MILD (Early Grano) 2 = MEDIUM (Crystal Wax) 3 = STRONG (White Creole)

Storage: 1 = GOOD (Ebenezer) 2 = FAIR (Yellow Globe Danvers) 3 = POOR (Crystal Wax)

7. DISEASE RESISTANCE (0 = Not Tested; 1 = Susceptible; 2 = Resistant)

BLACK MOLD NECK ROT PURPLE BLOTCH SMUT
 MILDEW PINK ROOT SMUDGE YELLOW DWARF

8. INSECT RESISTANCE: (0 = Not Tested; 1 = Susceptible; 2 = Resistant)

THRIP OTHER (Specify) _____

9. INDICATE A VARIETY THAT MOST CLOSELY RESEMBLES THAT SUBMITTED:

CHARACTER	NAME OF VARIETY	CHARACTER	NAME OF VARIETY
Leaf Height	Yellow Ben Shemen	Flower Ball	Yellow Ben Shemen
Leaf Color	Yellow Ben Shemen	Bulb Color	Yellow Ben Shemen
Leaf Bloom/Wax	Yellow Ben Shemen	Bulb Size	Yellow Ben Shemen
Flower Stalk	Yellow Ben Shemen	Bulb Shape	Yellow Ben Shemen
Maturity at Same Location	Yellow Ben Shemen		

REFERENCES

- Jones, H. A. and Mann, L. K. 1963 - Onions and Their Allies, Interscience Publishers, Inc., New York
 USDA Misc. Pub. No. 435, 1941 - Descriptions of Types of Principal American Varieties of Onions
 Hayward, H. E., 1938 - The Structure of Economic Plants, McMillan, New York (Reprint 1967)
 Ag Research, 7 (8):8 - Feb. 1959 - Branding Onion Outcasts
 Salem, I. A. 1966 - Inheritance of Onion Bulb Shape, Iowa St. University - PhD thesis

*rec'd
9/9/80*

Dessert Seed Company, Inc., El Centro, California

8000159

EXHIBIT D
DATA INDICATIVE OF NOVELTY

The pink root resistance and the single center of this onion makes it a novelty and should be a benefit to the onion industry.

EXHIBIT E

Statement of Basis of Applicant's ownership all the work and breeding was done at Dessert Seed Research Farm under the supervision of Dr. Jones and Dr. Cheng under contract of Dessert Seed Company.

PLANT VARIETY PROTECTION ASSIGNMENT

THIS PLANT VARIETY PROTECTION ASSIGNMENT ("Assignment") is made and entered into as of this ____ day of _____, 1994, ("Effective Date"), by and between Sunseeds Ltd., L.P., a Delaware limited partnership, ("Assignor"), and Sunseeds Company (formerly Sunseeds Acquisition Corporation), a Delaware corporation, ("Assignee").

WHEREAS, pursuant to a certain Asset Purchase Agreement dated March 7, 1994, Assignor has agreed to sell to Assignee substantially all of Assignor's assets used in the Assignor's business, including the United States Plant Variety Protection Certificates set forth on Schedule A attached hereto (the "PVP Certificates") and the foreign plant variety registrations set forth on Schedule B attached hereto (the "Foreign Registrations").

WHEREAS, Assignor is the sole and exclusive owner of the entire right, title and interest in, to and under the PVP Certificates and Foreign Registrations; and

WHEREAS, Assignee wishes to acquire and Assignor wishes to assign all right, title and interest in and to the PVP Certificates and Foreign Registrations.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor does hereby sell, assign, transfer and set over to Assignee, the entire right, title and interest in and to the PVP Certificates and Foreign Registrations, for the United States and for any foreign country, for its own use and enjoyment, and for

the use and enjoyment of its successors, assigns or other legal representatives, as fully and entirely as the same would have been held and enjoyed by Assignor if this Assignment and sale had not been made; together with all claims for damages by reason of past, present or future infringement or other unauthorized use of the plants protected by the PVP Certificates and Foreign Registrations, with the right to sue for, and collect the same for its own use and enjoyment, and for the use and enjoyment of its successors, assigns, or other legal representatives.

Assignor authorizes and requests the Department of Agriculture to record Assignee as owner of the PVP Certificates and assignee of the entire right, title and interest in, to and under the same, for the sole use and enjoyment of Assignee, its successors, assigns or other legal representatives.

Assignor authorizes and requests the Ministero Per Il Coordinamento Delle Politiche Alimentare Gest. Prod. Agricole and any other organization, department or agency with jurisdiction over registration of plant varieties to record Assignee as owner of the Foreign Registrations and assignee of the entire right, title and interest in, to and under the same, for the sole use and enjoyment of Assignee, its successors, assigns or other legal representatives.

Assignor shall provide Assignee, its successors, assigns or other legal representatives, reasonable cooperation and assistance at Assignee's request (such as the execution and

delivery of any and all affidavits, declarations, oaths, exhibits, assignments, powers of attorney or other documentation as may be reasonably required) in the implementation or perfection of this Assignment.

* * * * *

IN TESTIMONY WHEREOF, the undersigned has caused this Assignment to be signed and executed this 3rd day March, 1994.

Sunseeds Ltd., L.P.

By: Gerald M. Pack

Name: Gerald M. Pack

Title: President/CEO

STATE OF Pennsylvania
COUNTY OF Allegheny } SS.

On this 3rd day of March, 1994, there appeared before me Gerald M. Pack, personally known to me to be the same person whose name is subscribed to the foregoing Assignment and who acknowledged that he signed the foregoing Assignment as his voluntary act and deed for the use and purpose therein set forth.

Sandra K. Pack
Notary Public

Notarial Seal
Sandra K. Pack, Notary Public
Pittsburgh, Allegheny County
My Commission Expires July 26, 1997
Member, Pennsylvania Association of Notaries

Assignment

Schedule A

PLANT VARIETY PROTECTION CERTIFICATES

<u>Current Record Owner</u>	<u>PV#</u>	<u>Crop Kind</u>	<u>Name of Variety</u>	<u>Cert. Issue Date</u>	<u>Expiration Date</u>
A.L. Castle, Inc.	8100077	Tomato	Castlong ug	11/26/82	11/26/2000
	8100078	Tomato	Castlerock	11/26/82	11/26/2000
	8200139	Tomato	Castle Red	11/26/82	11/26/2000
ARCO Seed Co.	7900076	Onion	Colossal	10/18/79	10/18/96
	7900086	Onion	New Mexico White Grano PRR	10/18/79	10/18/96
	7900117	Onion	New Mexico Yellow Grano PRR	1/29/80	1/29/97
	8000039	Onion	Red Sunset	7/31/80	7/31/97
	8000040	Onion	Blanco Duro	7/31/80	7/31/97
	8000041	Onion	Brooks PRR	7/31/80	7/31/97
	8000159	Onion	Texspan PRR	6/11/81	6/11/99
	8000161	Onion	Early Grand PRR	7/30/81	7/30/99
	8100128	Onion	Glory	4/28/83	4/28/2001
	8100129	Onion	Paradise	4/28/83	4/28/2001
	8100130	Onion	Regal	4/28/83	4/28/2001
	8100166	Onion	Sweet Winter	11/26/82	11/26/2000
	8300083	Onion	Crystal Wax Pickling	12/30/83	12/30/2001
	8100001	Triticale	Jenkins	2/15/84	
	8200032	Triticale	Grace	11/15/81	
	8100150	Celery	Grande	1/13/83	
Sunseeds, Div. of Westseeds, Inc.	9100045	Tomato	Sun 6095	1/31/92	1/31/2010
Sunseeds Genetics, Inc.	7600052	Lettuce	Chaparral	5/16/77	5/16/94
	7600053	Lettuce	Costaverde	8/24/77	8/24/94
	7600054	Lettuce	Gustaverde	8/24/77	8/24/94
	7600055	Lettuce	Mesaverde	5/31/77	5/31/94
	7900067	Lettuce	Commander	7/26/79	7/26/96
	8500064	Tomato	Mystro	9/30/87	9/30/2005
	8700194	Tomato	Sun 1643	11/29/91	11/29/2009
	8900171	Cauliflower	White Diamond	4/18/89	
	8800057	Pepper	Prima Belle	9/30/88	9/30/2006
UF Genetics, Inc.	8300168	Okra	Cajun Queen	9/27/85	9/27/2003

8000159

O'MELVENY & MYERS

400 SOUTH HOPE STREET
LOS ANGELES, CALIFORNIA 90071-2899
TELEPHONE (213) 659-6000
FACSIMILE (213) 659-6407

EMBARCADERO CENTER WEST
275 BATTERY STREET
SAN FRANCISCO, CALIFORNIA 94111-3305
TELEPHONE (415) 984-8700
FACSIMILE (415) 984-8701

1999 AVENUE OF THE STARS
LOS ANGELES, CALIFORNIA 90067-6035
TELEPHONE (310) 553-6700
FACSIMILE (310) 246-6779

610 NEWPORT CENTER DRIVE
NEWPORT BEACH, CALIFORNIA 92660-6429
TELEPHONE (714) 760-9600
FACSIMILE (714) 659-6994

WRITER'S DIRECT DIAL NUMBER

(202) 383-5350

VIA FEDERAL EXPRESS

Plant Variety Protection Office
U.S. Department of Agriculture
NAL Building, Room 500
10301 Baltimore Boulevard
Beltsville, Maryland 20705-2351

Attn: Ms. Ann K. Zempolich

Re: Assignment of Plant Variety Protection Certificates
Owned by Sunseeds Company to Internationale
Nederlanden (U.S.) Capital Corporation, as agent for
the Lenders party to the Amended and Restated Credit
Agreement Referred to Below

Dear Ladies and Gentlemen:

Enclosed please find an originally executed copy of each of (i) the Amended and Restated Security Agreement (the "Security Agreement") dated as of March 14, 1995 by and between Sunseeds Company, a Delaware corporation (formerly known as Sunseeds Acquisition Corporation) ("Sunseeds"), and Internationale Nederlanden (U.S.) Capital Corporation, a Delaware corporation ("ING"), as agent for the Lenders party to the Amended and Restated Credit Agreement referred to below (in such capacity, the "Agent") and (ii) the Amended and Restated Plant Variety Certificates Collateral Assignment (the "Assignment") dated as of March 14, 1995 by and among Lehman Commercial Paper Inc., a New York corporation ("Lehman"), ING, as Agent, and Sunseeds. The Security Agreement and Assignment are provided for recordation of the assignment to ING, as Agent, of the 26 plant variety protection certificates ("PVPCs") listed in Schedule I of the Assignment in accordance with 7 U.S.C. § 2531 and 7 C.F.R. § 97.130.

The PVPCs subject to the Assignment were assigned to Lehman, as agent for the lenders party to that certain Credit Agreement (the "Original Credit Agreement") dated as of March 31, 1994 by and among Sunseeds, Sunseed Corporation, a Delaware corporation (the Co-Borrower), Lehman, as agent, and the lenders

555 13TH STREET, N.W.
WASHINGTON, D. C. 20004-1109

TELEPHONE (202) 383-6300
TELEX 89622 • FACSIMILE (202) 383-5414

March
16th
1995

CITICORP CENTER
153 EAST 53RD STREET
NEW YORK, NEW YORK 10022-4611
TELEPHONE (212) 326-2000
FACSIMILE (212) 326-2061

ONE GATEWAY CENTER
NEWARK, NEW JERSEY 07102
TELEPHONE (201) 639-8600
FACSIMILE (201) 639-8630 • 639-8631

10 FINSBURY SQUARE
LONDON EC2A 1LA
TELEPHONE (0171) 256-8451
FACSIMILE (0171) 638-8205

SANBANCHO KB-6 BUILDING
6 SANBANCHO, CHIYODA-KU
TOKYO 102
TELEPHONE (03) 3239-2800
FACSIMILE (03) 3239-2432

1104 LIPPO TOWER
LIPPO CENTRE
89 QUEENSWAY, CENTRAL
HONG KONG
TELEPHONE (852) 523-8266
FACSIMILE (852) 522-1760

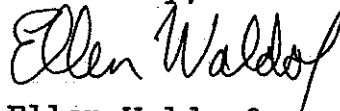
OUR FILE NUMBER
410,894-14
DC1-211237.V1

listed therein, pursuant to that certain Plant Variety Certificates Collateral Assignment (the "Original Assignment") dated as of March 31, 1994 by and between Sunseeds and Lehman, as agent for such lenders. The Original Credit Agreement was amended and restated pursuant to that certain Amended and Restated Credit Agreement dated as of March 14, 1995 by and among Sunseeds, the Co-Borrower, the Lenders, ING, as Agent, and Lehman, to provide for, among other things, the resignation of Lehman as agent and the appointment of ING as successor agent thereto. In connection therewith, the Security Agreement and the Assignment were entered into to amend and restate that certain Security Agreement dated as of March 31, 1994 by and between Sunseeds and Lehman, as agent for the lenders party to the Original Credit Agreement, and the Original Assignment and to reflect the appointment of ING as Agent.

From my telephone conversations with Ms. Ann K. Zempolich and Dr. Kenneth H. Evans of your office, it is my understanding that you will file a copy of this entire cover letter and a copy of Schedule I in the folder of each PVPC listed in Schedule I by placing the copies immediately behind each PVPC in order to notify anyone examining these PVPCs of ING's interest, as agent, in them and refer the examiner to the Security Agreement and Assignment filed in the Assignment Drawers of the Plant Variety Protection Office. Please take this action and any other steps necessary and appropriate to record the assignment in compliance with 7 U.S.C. § 2531 and 7 C.F.R. § 97.130.

To acknowledge your receipt of this letter, the Security Agreement and Assignment, please sign the enclosed copy of this letter on the designated signature line and return the signed copy to me in the enclosed prepaid Federal Express envelope. Thank you for your assistance.

Sincerely,



Ellen Waldorf
for O'MELVENY & MYERS

EW/pt
Enclosure

SCHEDULE I

PVPCs

COLLATERAL ASSIGNMENT - PLANT VARIETY PROTECTION CERTIFICATES

PV#	Crop Kind	Name of Variety	Certificate Issue Date	Expiration Date
8100077	Tomato	Castlong ug	11/26/82	11/26/2000
8100078	Tomato	Castlerock	11/26/82	11/26/2000
8200139	Tomato	Castle Red	11/26/82	11/26/2000
7900076	Onion	Colossal	10/18/79	10/18/1996
7900086	Onion	New Mexico White Grano PRR	10/18/79	10/18/1996
7900117	Onion	New Mexico Yellow Grano PRR	01/29/80	01/29/1997
8000039	Onion	Red Sunset	07/31/80	07/31/1997
8000040	Onion	Blanco Duro	07/31/80	07/31/1997
8000041	Onion	Brooks PRR	07/31/80	07/31/1997
8000159	Onion	Texspan PRR	06/11/81	06/11/1999
8000161	Onion	Early Grand PRR	07/30/81	07/30/1999
8100128	Onion	Glory	04/28/83	04/28/2001
8100129	Onion	Paradise	04/28/83	04/28/2001
8100130	Onion	Regal	04/28/83	04/28/2001
8100166	Onion	Sweet Winter	11/26/82	11/26/2000
8300083	Onion	Crystal Wax Pickling	12/30/83	12/30/2001
9100045	Tomato	Sun 6095	01/31/92	01/31/2010
7600052	Lettuce	Chaparral	05/16/77	05/16/1994
7600053	Lettuce	Costaverde	08/24/77	08/24/1994
7600054	Lettuce	Gustaverde	08/24/77	08/24/1994
7600055	Lettuce	Mesaverde	05/31/77	05/31/1994
7900067	Lettuce	Commander	07/26/79	07/26/1996
8500064	Tomato	Mystro	09/30/87	09/30/2005
8700194	Tomato	Sun 1643	11/29/91	11/29/2009
8800057	Pepper	Prima Belle	09/30/88	09/30/2006
8300168	Okra	Cajun Queen	09/27/85	09/27/2003

Each of the above-referenced Plant Variety Protection Certificates are owned by Sunseeds Company (formerly known as Sunseeds Acquisition Corporation), a Delaware corporation.